

REMARKS

This Amendment, submitted in reply to the Office Action dated July 14, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-22 are now all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 103 as being unpatentable over Mayer in view of Oestreich

Claims 1, 9-11, 13-14 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayer (U.S. Pub. No. US 2003/0195011 A1) in view of Oestreich (U.S. Patent No. 6,349,197). Applicant submits the following in traversal of the rejection.

The Examiner states that Mayer discloses a method of establishing tandem free operation (TFO) mode for a mobile station to mobile station and cell to cell call in a cellular mobile telephone system. Further, the Examiner states that Mayer does not disclose a step of selecting a common coding mode for each mobile station and the selection of a common coding modes takes account of the traffic load in at least one cell, and cites Oestrich to cure the deficiency.

In particular, the Examiner asserts that Oestrich col. 2, lines 47-57 discloses the step of selecting a common coding mode for each mobile station. However, the respective column and lines cited by the Examiner describe the failures of TFO. "According to other advantageous embodiments of the present invention, there are reactions to limitations of the transmission

possibilities, which limitations are brought about, via the radio interface, **by an at least partial failure of a previously used tandem free operation mode** or by poor transmission conditions.”

The Examiner further cites column 4, lines 36-44 for teaching that the selection of a common coding modes takes into account the traffic load in at least one cell. However, the respective column and lines describe that “a function of the control means SE consists in the detection of interruptions in the TFO transmission, or of bottlenecks in the allocation of radio resources...” Although the controls means SE detects interruptions, there is no indication that **a common coding mode selected for each mobile station** takes account of the traffic load in at least one cell.

In particular, the controls means SE specifies parameters with respect to the transmission possibilities for a connection to a mobile station MS. By comparison of these parameters, e.g., the comparison of the bit error rate with a threshold value, a degraded transmission quality for the radio interface between mobile station MS and base station BTS is detected. Col. 4, lines 27-34. However, there is no indication of a selection of a common coding mode.

Further, the respective column and lines, col. 4 lines 36-44, cited by the Examiner, describe a switchover from a broadband speech coding (BSCV) to a narrowband speech coding (SSCV) which occurs when TFO transmission is interrupted or in case of disturbances such as bottleneck in the allocation of radio resources or limitation in transmission possibilities such as use of half-rate mode.

Further, in Oestrich, TFO is only used when a broadband speech coding (BSCV) is used (see for example Fig. 5a, as compared to Fig. 5b, 5c, 5d). Therefore Oestrich does not use TFO in case of disturbances such as in case of traffic load, which could be considered as a case of disturbance where a narrowband speech coding (SSCV) would be used.

For at least these reasons, claim 1 and its dependent claims should be deemed patentable.

II. Claim Rejections under 35 U.S.C. § 103 as being unpatentable over Mayer in and Oestreich in view of DeMartin

Claims 2-8, 12 and 15-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayer and Oestreich in view of DeMartin et al. (U.S. Patent No. 6,421,527).

Claim 2 and its dependent claims should be deemed patentable by virtue of their dependency to claim 1 for the reasons set forth above.

The Examiner asserts that the combination of Mayer and Oestreich teaches the elements of claim 2, except a common coding mode list. DeMartin is cited to cure this deficiency. In particular, the Examiner asserts that col. 4, lines 56 to col. 6, line 14 teaches the elements of claim 2.

The respective column and lines cited by the Examiner describe that two different sets of thresholds are chosen for half and full rate channels modes depending on the threshold, a mode will be set to one or zero. Col. 4, lines 56-58. Speech bits which are divided into classes are encoded with information and a codec mode identifier is sent as header information. Col. 4, lines 9-24. A codec mode used for a given frame is sent outside the convolutionally encoded

part of the frame in a header. The header is decoded and used to selected the codec mode for the channel decoder. See col. 5, lines 14-18. Different codec modes can be indicated in the header information such as that listed in Table 1 of DeMartin.

DeMartin merely lists, for example, in Table 1, possible coding modes for a mobile station. However, there is no indication that a common coding mode is selected on the basis of **lists of coding modes supported by each mobile station**. Nor is there any indication that if a corresponding mobile station is in a busy cell that the list of coding modes is shortened. For at least these reasons, claim 2 and its dependent claims should be deemed patentable.

III. Allowable Subject Matter

The Examiner has indicated that claims 20-21 are allowed based on Mayer and Oestreich further in view of DeMartin et al.

IV. New Claim

Applicant has added claim 22. Claim 22 recites subject matter similar to claim 1 and should be deemed patentable for the same reasons.

V. Conclusion

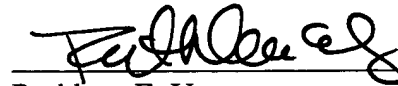
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 09/749,656

Attorney Docket No.: Q62485

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ruthleen E. Uy
Registration No. 51,361

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 14, 2004